IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Civil Contempt Petition No. 245 of 2007

Amir Chandra Thakur, S/O Late Maluk Singh, R/o Subhash Nagar, Bazpur Road, Kashipur, District Udham Singh Nagar.

……Applicant.

Versus

Anil Kumar Srivastava, General Manager, Bharat Sanchar Nigam Ltd. Haldwani, District Nainital

...Respondents.

Sri M.S. Pal, Senior Advocate assisted by Sri V.S. Pal, learned counsel for the applicant.

Date November 02, 2007.

Hon'ble B.S. Verma, J.

This contempt petition has been filed to punish the respondent for willfully and deliberately misguiding this Court thereby obtaining the order passed by this Court dated 17-1-2007 passed in Writ Petition No. 814 of 2006 (M/B) Amir Chandra Thakur Versus Bharat Sanchar Nigam Ltd. and others.

Relevant facts in brief are that the petitioner filed Writ Petition No. 814 of 2006 (M/B) against Bharat Sanchar Nigam Ltd. In the writ petition, the petitioner has prayed for a writ of mandamus of this Court commanding the respondents not to issue any fresh notice inviting tender for hiring light commercial vehicle in Nainital in addition to the prayer for a writ of certiorari. Petitioner has also sought for mandamus of this Court commanding the respondents to issue work order to the petitioner in pursuance of the rates of contract submitted by him. In that writ petition, the Division Bench of this Court in its order dated 17-1-2007 has observed in the concluding paragraph as under:-

"We are not convinced with the submission advanced by learned counsel for the petitioner. It is for the authorities to ensure a fair process of grant of contract. It is settled law that a

contract cannot be said to be concluded contract until and unless lit is duly signed. In view of this position, it is abundantly clear that no agreement has been executed between the petitioner and the respondents and as such the petitioner has no right to challenge the same. Merely by submitting a tender, no right has accrued to the petitioner to seek a writ of mandamus to direct the respondents to grant work order to him. Even otherwise, since the fresh process has started, it is open for the petitioner to participate by submitting a tender for the contract in question."

Ultimately, the writ petition was dismissed by this Court being devoid of merit.

I have perused the order dated 17-1-2007 passed by the Division Bench of this Court thoroughly. There is no direction of this Court to respondent authority for compliance. Moreover, in the writ petition this Court has nowhere directed the respondents to do any particular act suitable to the petitioner, rather the prayer of the petitioner sought in the writ petition was totally declined, therefore, in any view of the matter it cannot be said that the respondent is guilty of willful and deliberate non-compliance of order of this Court. Contempt petition deserves to be dismissed outright.

The contempt petition is dismissed in limine.

(B.S. Verma, J.)

RCP